

A *Wm. Payne*
VINDICATION

Great B. and Ireland - Colonies
North America
British Colonies,

AGAINST

The Aspersions of

THE

Halifax GENTLEMAN,

IN

His Letter to a Rhode-Island FRIEND.

By James Otis.

*Sed fugite, o miseri, fugite, atque ob litore funem
Rumpite!*

Clamorem immensum tollit, quo pontus et omnes

Intremuere undae: penitusque exterrita tellus

Italia curvisque innugit Aetna Cavernis.

— fuit et rivus, aurique metallum

Vulnificisque chalybs vasis fornace liquefcit

— Alii ventosis sollibus auras

Accipiunt redduntque, alii stridentia tingunt

Era lacu: gemit impositis inaudibus antrum.

Illi inter sese multa vi brachia tollunt

In numerum, versantque tenaci forcepe massam.

VIRGIL.

B O S T O N :

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Tudor, p. 187



A VINDICATION of the *British* Colonies, against the Aspersions of the *Halifax* Gentleman, in his Letter to a *Rhode-Island* Friend.

IT had been long expected, that some American pen would be drawn in support of those measures which to all thinking men must appear to be very extraordinary. Those who are above party, can peruse the speculations of a Whig or a Tory, a Quaker or a Jacobite, with the same composure of mind. Those who confine themselves within the bounds of moderation and decency, are so far respectable. All who grow outrageous, are disgusting. The "head of a *tribunitian veto*," with a mob at his heels, and a grand *Asiatic* monarch, with a shoal of sychophants clinging about him, like the little wretches in the well known print of Hobb's Laviathan, may be objects of equal diversion, derision and contempt. Mankind ever were, are and will be divisible, into the great and small vulgar. Both will have their respective heads. The laws of nature are uniform and invariable. The same causes will produce the same effects, from generation to generation. He that would be a great captain, must for a season exult in the honor of being a little one.

"Bred on the mountains had *proud* Julius been,

"He'd *shone* a *sturdy* wrestler on the green."

The *Halifax* gentleman having discovered that governor *H--pt--ns* is "totally unacquainted with stile and diction," and yet "eagerly fond to pass upon the world for a man of letters," great perfection might be reasonably expected in the composition of the friendly epistle. Instead of this, are found inaccuracies in abundance, declamation and false logic without end; *verse* is retailed in the shape of *prose*, solecisms are attempted to be passed off for good grammar,
and

and the most indelicate fustian for the fine taste. The whole performance is truly *Filmerian*. The picture is very well charged with shade and thick darkness, intermixed with here and there a ray of light; now and then a flash, and once in a while is heard a little rumbling thunder from a few distant broken clouds.

"Some future bard may sing the present times,

"And HE be made the hero of the song.

These two lines are crowded together in one short sentence, in a prosaic form. (page 4.)

The gentleman (pag. 5.) has given us a portrait of the English nation. It contains but a dozen lines, and expresses or plainly implies the following wonderful group of ideas, viz. "A high pitch of glory and power, envy and admiration of surrounding slaves, holding fast the balance of Europe, a rival in arts and arms of every period ancient and modern, impatience, jealousy, pride and folly, prodigality, particularly in laying wagers to the value of kingdoms, and a quick sensibility & consciousness of dignity, which renders plain simple truth intolerable." As the English nation expired about sixty years since, in the union of the two kingdoms, 'tis needless to enquire whether this be a just character of that once brave and generous, free and loyal people: But if this should be intended for a filial compliment to Great-Britain, 'tis a very indifferent one. In the late war America joined in the stakes: The bet was not for the safety of the colonies alone: It was for the salvation of Great-Britain, as well as the plantations, i. e. for the whole community. Cornwall raises and pays one company of dragoons, Devonshire another. Is Cornwall more obliged to Devonshire than Devonshire is to Cornwall? They are both obliged by the strongest ties of duty and loyalty, to the gracious Prince who protects and defends both: To each other they owe, but love and good will.

I cannot think Mr. *H-k-s*, or any other of the writers, who have the misfortune to fall under the fore displeasure of the Halifax gentleman, ever really intended to encourage so groundless a claim as an independent, uncontrollable Provincial legislative. Most of them 'tis well known expressly disavow such a claim. It is certain that the

Parliament

Parliament of Great-Britain hath a just, clear, equitable and constitutional right, power and authority, to bind the colonies, by all acts wherein they are named. Every lawyer, nay every Tyro knows this. No less certain is it that the Parliament of Great-Britain has a just and equitable right, power and authority, to *impose taxes on the colonies, internal and external, on lands, as well as on trade.* This is involved in the idea of a supreme legislative or sovereign power of a state. It will however by no means from thence follow, that 'tis always expedient, and in all circumstances equitable for the supreme and sovereign legislative to tax the colonies, much less that 'tis reasonable this right should be practised upon without allowing the colonies an actual representation. An equal representation of the whole state is, at least in theory, of the essence of a perfect parliament, or supreme legislative.

There is not the least color of a contradiction between the passages from the "rights of the colonies" cited pages 6 & 7. It must indeed be confessed and lamented, that the last citation involves a sophism, unworthy the pen from whence it fell. But the critic with all his sagacity has not pointed where the fallacy lies. He has reduced his Honor's argument to the form of a syllogism, which is conclusive. "The people of Great-Britain have not any sort of power over the Americans;" "The house of commons have no greater authority than the people of Great-Britain, who are their constituents;" "*ergo*, the house of commons have not any sort of power over the Americans." This I take to be literally true. Yet by the following reduction, the fallacy of his Honor's argument will appear, "the common people of Great-Britain have no sovereign absolute authority over their fellow subjects in America;" "The house of commons alone have no greater authority than the common people of Great-Britain;" *ergo*, the British parliament, the King's Majesty, Lords and Commons, have no sovereign absolute authority over the subjects in the colonies. Who does not see the fallacy of this conclusion? The inquiry was not of the sole & separate power and authority of the house of commons, but of the authority of that august and transcendent body the parliament, which

which is composed of the three branches of the grand legislature of the nation, considered as united. But all this shows that the last citation at most is but an implicit, and is far from an "express, denial of the authority of parliament," and should by that candor that is inseparable from a liberal mind, have been imputed to meer inadvertency.

We come now to the *rationale* of the epistle. "I have endeavored (says the gentleman) to investigate the *true, natural relation*, if I may so speak, between the colonies and their mother state, *abstracted from compact, or positive Institution.*" What a parade is here? What "a solemnity" does "he give to his performance"? "If I may so speak". Who would not think the world was about to be favored with some extraordinary discovery, too mighty for the powers and precision of language.

Let us attend the course of the bubble. "But here" (adds he) "I can find nothing satisfactory: Yet till this *relation* is clearly defined upon *rational and natural principles*, our *reasoning* upon the *measures* of the colonies obedience, will be *desultory* and inconclusive." "Every connection or relation in life has its reciprocal duties; we know the relation between a parent and a child, husband and wife, master and servant, and from thence are able to deduce their respective obligations". "But we have no notices of any *such* precise natural relation between a *mother state* and its colonies, and therefore cannot reason with so much certainty upon the *power* of the one or the *duties* of the other." If, as the gentleman tells us, he could not find any thing satisfactory, he could only guess what reasoning would follow: And I leave it to his readers to determine, whether he has not proved that he guessed very rightly. He has placed the relation of master and servant among what he calls natural relations. In a state of nature, where all are equal, I believe the gentleman would be as much puzzled to find his master or servant, as others now may be to find his equal. 'Tis a little strange he should attempt to reason on a subject, of which, he confesses, he could find no "satisfactory notices." But he seems determined to flounder on thro' thick and thin, be his reasonings "desultory" or conclusive.

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"The ancients (says he) have *transmitted* (for handed down; 'tis a wonder it had not been *transported*) to us nothing that is applicable to the state of the modern colonies, because the *relation* between these (and their mother state should have been added) is formed by *political compact*. *Bravo!* "And the *condition* of each variant in their original and from each other." Better and better still! If *condition* means the present state, and I think it can mean nothing else, what a delectable piece of jargon does the close of this period make. It amounts to this. "The present state of each modern colony is variant in its original, and from each other." Be this as it may; if the *relation* of modern colonies to their mother states, is founded on *political compact*, how came the gentleman to beat his brains to find out "their *natural relation abstracted from compact or positive institution?*" To what purpose he has done this he tells us when he confesses he can find nothing "*satisfactory*" about it. Are not *natural* and meerly *political* or *civil relations* different things? Is it not a little jargonical and inconsistent, in one breath to talk of "investigating the *true, natural, clearly defined* relation of the colonies to their mother state, abstracted from compact or positive institution"; and in the next to affirm that so far as relates to modern colonies, this relation depends, or "is founded on political compact"? Was there a natural relation between ancient states and their colonies, and none between the modern states and their colonies? Is not a "political compact," the same thing with a "positive institution." Is this "freeing a subject from embarrassment"? Well might the gentleman "shun the walk of metaphysics"? I wish he had not so much avoided that of logic. He every where seems to consider *power* and *duty* as correlates. Surely he should be the last man to charge his adversary with "vague and diffuse talk of" those levelling notions "rights and privileges." He bewilders himself for half a poor creeping page more, abruptly sings a *requiem* to his sweet soul, composes the surges of his "philosophically inquisitive mind" fatigued with its late flight after natural and political relations, and very gravely contents himself with considering the "colo-

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nies rights upon the footing of their charters." This foothold, by a new and bold figure in rhetoric, he calls "the only plain avenues that lead to the truth of this matter."

— " *facilis descensus Averni* :"

The gentleman is at a loss (page 8.) to "conceive how it comes to pass that the colonies now claim *any other* or greater rights than are expressly granted to them" by charter. Is the gentleman a British-born subject and a lawyer, and ignorant that charters from the crown have usually been given for enlarging the liberties and privileges of the grantees, not for limiting them, much less for curtailling those essential rights which all his Majesty's subjects are entitled to, by the laws of God and nature, as well as by the common law, and by the constitution of their country?

The distinction (page 8.) between personal and political rights, is a new invention, and, as applied, has perplexed the author of it. He every where confounds the terms rights, liberties and privileges, which in legal as well as vulgar acceptation, denote very different ideas. This is a common mistake with those who cannot see any difference between power & right, between a blind slavish submission, and a loyal generous and rational obedience, to the supreme authority of a state.

The rights of men are, *natural* or *civil*. Both these are divisible into *absolute* and *relative*. The natural absolute personal rights of individuals, are so far from being opposed to political or civil rights, that they are the very basis of all municipal laws of any great value. "The absolute rights of individuals regarded by the municipal laws, compose what is called *political* or *civil liberty*." "The absolute liberties of Englishmen, as frequently declared in parliament, are principally three. 1. The right of *personal* security, *personal liberty*, and private property." "Besides these three *primary rights*, there are others which are *secondary* and *subordinate*, (to preserve the former from unlawful attacks) 1. The constitution or power of parliament. 2. The limitation of the King's prerogative (and to vindicate them when actually violated). 3. The regular administration of justice. 4. The right of petitioning for redress of grievances. 5. The right of having and using arms for self-defence."

fence." See Mr. Blackstone's accurate and elegant analysis of the laws of England. The gentleman seems to have taken this and some other of his distinctions from that excellent treatise very ill understood. The analysis had given this general view of the *objects* of the laws of England. I. Rights of Persons. II. Rights of Things. III. Private wrongs. IV. Public wrongs. Rights of persons are divided into these, 1. of natural persons; 2. of bodies politic or corporate, i. e. artificial persons, or subordinate societies. The rights of these are by the Letter-writer strangely confounded with the political & civil rights of natural persons. And because corporate rights so far as they depend upon charter, are matters of the meer favor and grace of the donor or founder; he thence infers (p. 9.) That "the colonies have no rights independent of their charters," and that "they can claim no greater than those give them." This is a contradiction to what he admitted in the preceding page, viz. That "by the common law every colonist hath a right to his life, liberty and property." And he was so vulgar as to call these the "subjects birth-right." But what is this birth-right worth, if it depends merely upon a colony charter, that, as he says, rightly eno^d, may be taken away by the parliament? I wish the gentleman would answer these questions. Would he think an estate worth much, that might be taken from him at the pleasure of another? Are charters from the crown usually given for enlarging the liberties and privileges of the grantees, in consideration of some special merit and services done the state; or would he have his readers consider them like the ordinances of a French monarch, for limiting and curtailing those rights which all Britons, and all British subjects are intitled to by the laws of God and nature, as well as by the common law and the constitution of their country, so admirably built on the principles of the former? By which of these laws, in contradistinction to the other, are the rights of life, liberty, and estate, personal?

The gentleman's positions and principles, that "the several New-England charters ascertain, define and limit the respective *rights* and privileges of each colony," and that "the colonies have no rights independent of their charter,"

and that "they can claim no greater than those give them," if true, would afford a curious train of consequences. Life liberty and property, are by the law of nature, as well as by the common law, secured to the happy inhabitants of South-Britain, and constitute their *primary* civil or political rights. But in the colonies, these and all other rights, according to our author, depend upon charter. Therefore those of the colonies who have no charter, have no right to life, liberty or property. And in those colonies who have charters, these invaluable blessings depend on the meer good will, grace and pleasure of the supreme power, and all their charters, and of course all their rights, even to life, liberty and property, may be taken away at pleasure. Thus every charter in England may be taken away; for they are but voluntary and gracious grants of the crown, of certain limited, local, political privileges, superadded to those of the common law. But would it be expedient to strike such a blow, without the most urgent necessity? "In all states there is (and must be) an absolute supreme power, to which the right of *legislation* belongs: and which by the singular constitution of these kingdoms is vested in the King, Lords, and Commons." * Now Magna Charta is but a law of their making, and they may alter it at pleasure; but does it thence follow, that it would be expedient to repeal every statute from William the conqueror, to this time? But by the gentleman's principles, this may be done wantonly, and without any reason at all. Further, by his logic the parliament may make the monarchy absolute, or reduce it to a republic; both which would be contrary to the trust reposed in them by the constitution, which is to preserve, not destroy it; and to this, all are sworn, from the King's Majesty in his coronation oath, to the meanest subject in the oath of allegiance. Into such absurd and treasonable doctrines must the gentleman run, in order to be consistent. Nay, all the vagaries of Filmer, Mannwaring and Sibthorp, and of the whole tribe of King Adam's subjects will follow. As 1. That Adam was the first monarch of this earth. No Prince has a title to his crown but he who can prove himself to be the eldest heir male of the body

body of Adam. That all other Princes are usurpers and tyrants. That according to Filmer, God hath given to every father over his children, and much more to every Prince over his subjects, a power "absolute, arbitrary and unlimited, and unlimitable over the lives, liberties & estates of such children & subjects; so that they may take or alienate their estates, sell, castrate or use their persons as he pleases, they being all his slaves, and the father or prince, lord proprietor of every thing, and his unbounded will their law." This is the substance of one of Mr. Locke's inferences from these words of Filmer; "God hath given to the father a right or liberty to alien his power over his children, to any other; whence we find the sale and gift of children to have been much in use in the beginning of the world, when men had their servants for a possession and inheritance, as well as other goods (and chattels); whereupon we find the power of *castrating*, and making eunuchs (for singing songs like Lillibullero, &c.) much in use in old times." Obs. 155. "Law is nothing else, but the will of him that hath the power of the *supreme* father."* Horrid blasphemy! The Lord omnipotent reigneth, but to whom hath he committed his supreme power and authority? The Pope claims to be but Lord Lieutenant of Heaven, and before Sir Robert, none but the Devil ever had vanity or folly enough to contend for the whole power of the supreme father. According to Filmer, and his followers, among which the Halifax gentleman is a close imitator; "they that shed innocent blood, even the blood of their sons & their daughters, whom they sacrificed unto the idols of Canaan", did no more than they had a right to do. Upon such principles Pharoah was a pious virtuous Prince. And the drowning the infants in the Nile, was as justifiable a piece of preventive policy as seizing the ships of the French without a declaration of war. The Philistine rulers too acted very commendably in depriving the Hebrews of the use of iron, it being very certain that any the most polite people without the free use of this invaluable metal, would in one century return to the savage state of the Indians. "If the example of what hath been done, says

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* Observ. p. 225.

Mr. Locke, be the rule of what ought to be, history would have furnished our author with instances of this absolute fatherly power, in its height and perfection, and he might have shew'd us in Peru, people that begot children, on purpose to fatten and eat them." Mr. Locke has recited a story of this kind, so horrid, that I would for the honor of the human species think it incredible, and but the meer flight of imagination in *Gracilassa de Vega*; like Swift's proposal to the people of Ireland, to fatten their children for sale in Leaden Hall-market, as almost the only branch of commerce that would give no offence to the good people of England. See the story cited by Mr. Locke in his treatise on government, Cap. II. & VI. The Filmerians often preach the principles of anarchy in one breath, and those of despotism in another. The gentleman (page 9.) says, "The individuals of the colonists participate of every blessing the English constitution can give them." "As corporations created by the crown, they are confined within the primitive views of their institution." "Whether therefore their *indulgence* is *liberal* or *scanty*, can be no cause of complaint; for when they accepted of their charters, they *tacitly* submitted to the terms and conditions of them." This is admirable! To be sure a liberal indulgence could be no cause of complaint. I have heard of a scanty allowance, and it often happens in a transportation a-cro's the atlantic: but what is a *scanty indulgence*? I am in doubt under what species of Hellenism to rank it. Is it Doric or Ionic? Attic I am sure it is not. But at present I am content it should pass as very good English, for a poor pittance of bread, water, stinking beef and coarse cloaths, instead of the roast beef of old England, praised and sung by such authors as delight in compositions like *Lillibullero*. Has a servant no reason to complain that his allowance is scanty, that he is half naked, and more than half starved, while his less faithful and less loyal fellow-servant is well fed, plump, gay, and cloathed in purple & scarlet & fine linnen, faring sumptuously every day, upon the spoils of his neighbour? But admitting the former has no right to complain, or utter a single sigh, the forced effect of "submissive fear and mingled rage," I cannot

cannot for the heart of me conceive how he "participates of every blessing" of his fellow servant; unless the gentleman will contend that half a loaf is equal to a whole one, and that *Martyn* and *Jack* were really a couple of scoundrels, for denying that the crusts Lord Peter would have palm'd upon them" were very good Hamstead-down mutton. That "the colonists do not hold their rights as a privilege granted them, nor enjoy them as a grace and favour bestowed, but possess them as an inherent indefeasible right" as Mr. H-k-s very justly asserts, is a self-evident proposition, to every one in the least versed in the laws of nature and nations, or but moderately skilled in the common law, except the learned gentleman of Halifax. Even the King's writs are divided into those which the subject hath a right to, *ex debito justitiæ*, and those which depend upon meer grace and favor. These may be denied, the others cannot. The essential rights of British colonists stand on the same basis with those of their fellow subjects of the same rank in any of the three kingdoms.

What the gentleman adds, viz. "that this postulatium of Mr. H--pk--s cannot be true, with regard to political rights," by which he evidently means the peculiar privileges of subordinate powers granted by charter, is (asking his pardon) meer impertinence, and in a gentleman of his sense, could arise only from a certain sett of prejudices, having so far blinded him as to make him confound the ideas of corporate subordinate privileges, with essential, natural and civil rights, as is above most abundantly demonstrated, and clearly appears from his own words. (page 10.) "The force of an act of parliament, over the colonies, is *predicated* upon the common law, the origin and basis of all those inherent *rights & privileges* which constitute the boast and felicity of a Briton". I wish he had said the justly boasted felicity of a Briton; because in that case, I should not have suspected him of a Filmerian sneer in this place, which jealousy his dogmas elsewhere will justify. The inherent, indefeasible rights of the subject, so much derided and despised in other parts of the performance, are here admitted, in jest or in earnest: I care not which. The
origin

origin of those rights is in the law of nature and its author. This law is the grand basis of the common law, and of all other municipal laws that are worth a rush. True it is, that every act of parliament, which names the colonies, or describes them as by the words "plantations or dominions" binds them. But this is not so strictly and properly speaking by the common law, as by the law of nature, and by the constitution of a parliament, or sovereign and supreme legislative, in a state. 'Tis as true, that when the colonies are not named or described by an act of parliament, they are not bound by it.

What is the reason of all this? *Qui haeret in litera haeret in cortice*. Surely the bare naming of the colonies hath no magical charm or force in it. That the colonies should be bound by acts of parliament wherein they are named, is an exception from a general rule or maxim. What is that rule or maxim? It is that the colonies being separate dominions, and at a distance from the realm, or mother state, and in fact unrepresented in parliament, shall be governed by laws of their own making; and unless named in acts of parliament, shall not be bound by them. *Quia non mittunt milites ad parlamentum*, says Lord Coke. Yet as a mark of, and to preserve their dependency on, and subordination to, the mother state, and to prevent *imperium in imperio*, the greatest of all political solicisms, the mother state justly asserts the right and authority to bind her colonies, where she really thinks the good of the whole requires it; and of this she remains the supreme judge, from whose final determination there is no appeal. The mother state hath also an undoubted right to unite a colony to itself, and wholly to abrogate and annihilate all colony or subordinate legislation and administration, if such alteration shall appear for the best interest of the whole community. But should this be done needlessly and wantonly, and without allowing the colonies a representation, the exercise of the power that would otherwise be just and equitable, would cease to be distinguished by those amiable qualities. Should a mother state even think it reasonable to impose internal, as well as external taxes, on six millions of subjects in their remote dominions, without allowing them one voice, it would be

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matter of wonder and astonishment : But it could not be said that the supreme legislative had exceeded the bounds of their power and authority ; nor would this render a petition undutiful and seditious. Those six millions must on such an event, unless blind, see themselves reduced to the mortifying condition of meer cyphers and blanks in society. Should all this ever happen to the British colonies, which God forbid, might it not be truly and safely affirmed that the representation in the house of Commons would be very unequal ? The right of a supreme power in a state to tax its colonies, is a thing that is clear and evident ; and yet the mode of exercising that right may be questionable, in point of reason and equity. It may be tho't to be unequal and contrary to sound policy, to exercise the right, clear as it is, without allowing a representation to the colonies. And tho' a representation would avail the colonies very little in this generation ; yet to posterity, it might be an invaluable blessing. It may also in future ages, be very beneficial to Great-Britain. Is it to be believed, that when a continent of 3000 miles in length, shall have more inhabitants than there are at this day in Great-Britain, France and Ireland, perhaps in all Europe ; they will be quite content with the bare name of British subjects, and to the end of time, supinely acquiesce in laws made, as it may happen, against their interest, by an assembly 3000 miles beyond sea, and where, should they agree in the sentiments with the Halifax gentleman, it may be tho't that an admission of an American member, would " fully and defile the purity of the whole body ?" One hundred years will give this continent more inhabitants, than there are in the three kingdoms.

Many great and good men have complained of the inequality of the representation in Great-Britain. This inequality can never be a reason for making it more so ; which however is the method of reasoning adopted by the Halifax gentleman. At his rate, it would be just that half the counties and boroughs in Great-Britain, which now return members, should be curtailed of their right. If so, why not half the remainder, and so on 'till the house of commons will be reduced to a single member ; and when he was
split,

split, one branch of the legislature would be annihilated. By a like process, the house of Lords, the second branch of the legislature, might be destroyed. This would be a shorter cut to absolute and unlimited monarchy, than ever Filmer was fortunate enough to invent. This brings us to the consideration of the Maxim, that "no Englishman can be taxed but by his own consent, in person or by his representative". "This dry maxim, taken in a literal sense, and little understood like the song of *Lillibullero*, has made all the mischief in the colonies," says the gentleman; (page 11.). I cannot conceive how this, or any other dry maxim, or the song of *Lillibullero* like it, well or ill understood, can make any mischief in the colonies. What notable harm has the song of *Lillibullero* wrought in the colonies, or what like it has this "dry maxim" effected? "It is (says the gentleman, page 11.) the opinion of the house of commons, and may be considered as a law of parliament, that they are the Representatives of every British subject wheresoever he be." *Festina lente domine!* This may be true in one sense. The supreme legislative indeed represents the whole society or community, as well the dominions as the realm; and this is the true reason why the dominions are justly bound by such acts of parliament as name them. This is implied in the idea of a supreme sovereign power; and if the parliament had not such authority, the colonies would be independent, which none but rebels, fools or madmen will contend for. God forbid these colonies should ever prove undutiful to their mother country! Whenever such a day shall come, it will be the beginning of a terrible scene. Were these colonies left to themselves, to-morrow, America would be a mere shambles of blood and confusion, before little petty states could be settled. How many millions must perish in building up great empires? How many more must be ruined by their fall? Let any man reflect on the revolutions of government, ancient and modern, and he will think himself happy in being born here in the infancy of these settlements, and from his soul deprecate their once entertaining any sentiments but those of loyalty, patience, meekness and forbearance, under any hardships that in the course of time

time they may be subjected to. These, as far as may be consistent with the character of men and christians, must be submitted to. If it is the opinion of the present honorable house of commons, that they in *fact* represent the colonies, it is more than I know. Should this be their opinion, the gentleman may if he pleases, "consider it as a law of parliament": But I should rather chuse to consider it only as the very respectable opinion of one branch of the supreme legislative. The opinion of the house of Lords, and then above all the sanction of the King's Majesty must be superadded, and the concurrence of both is absolutely necessary to make any opinion of the house of commons an act or law of *parliament*. 'Tis humbly conceived, that it was not as representatives in *fact* of the colonies, that the house of commons granted his Majesty an external tax on the colonies, in the instance of the late act. Nor if before this time an act for granting internal taxes on the colonies should be passed, could I conceive that the house of commons are our representatives in fact. As one branch of the supreme legislative they have an undoubted right to originate any bills that by naming them shall bind the colonies when passed into an act; let it be for levying internal or external taxes, or for any other regulation that may appear needful. But I cannot find it affirmed or declared in one act of parliament, history or journal of parliamentary proceedings, nor in one English law book, that a British house of commons are in *fact* the representatives of all the plebeian subjects, without as well as within the *realm*. Lord Coke indeed says, that "the house of commons represent all the commons of *England*, electors and non-electors"; but he no where asserts that the house of commons in *fact* represent the provincials of Ireland and other dominions out of the *realm*. He says, however, the people of Ireland are not represented in the English parliament, and assigns that as the very reason why, in general, acts of parliament are confined to the realm. Though from the necessity of the thing, in several cases, by naming them, the provinces are bound. In the *fourth institute*, speaking of the truly high and most honorable court on earth, and never more so than in the

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present state of the British parliament and nation; his lordship says, " This court consisteth of the King's Majesty, sitting there as in his royal political capacity, and of the three estates of the *realm*; viz. of the Lords spiritual, Archbishops and Bishops being in number 24, who sit there by succession in respect of their counties, or Baronies parcel of their bishopricks, which they hold also in their politic capacity; and every one of these, when any parliament is to be holden, ought, *ex debito justitiæ*, to have a summons. The Lords Temporal, Dukes, Marquisses, Earls, Viscounts and Barons, who sit there by reason of their dignities, which they hold by descent or creation, in number at this time 106, and likewise every one of these being of full age, ought to have a writ of summons *ex debito justitiæ*. The third estate is the *commons* of the *realm*, whereof there be knights of shires or counties, citizens of cities, and burgesses of burghs. All which are respectively elected by the shires or counties, cities and burghs, by force of the King's writ, *ex debito justitiæ*, and none of them ought to be omitted; and these represent all the commons of the whole *realm*, and trusted for them, and are in number at this time 493.—4. Inst. 1.

Here is not one word of the house of commons representing or being trusted by or for, the provincials of Ireland, or the colonists in America. And tho' in page 4 of the same Institute, he says, "*in many cases multitudes are bound by acts of parliament which are not parties to the election of knights, citizens, and burgesses, as all they that have no freehold, or have freehold in ancient demesure, and all Women having freehold or no freehold, and men within the age of twenty one years &c.*"—This, &c. may be supplied with female infants, lunatics, ideots and bedlamites in general. Yet this will not prove that these non-electors are in *fact* represented, and in *fact* trust the representatives in the house of commons. In estimation of law they are justly deemed as represented. They have all fathers, brothers, friends or neighbours in the house of commons, and many ladies have husbands there. Few of the members have any of these endearing ties to America. We are as to any personal knowlege they have of us, as perfect strangers

gers to most of them, as the savages in *Calasarnia*. But according to our letter writer, we are not only in *law* but in *deed* represented in the house of commons. How does he support this? Why he has dreamt, that some one house of commons in some former reign, once tho't they were in *fact* our representatives. That "the opinion of a house of commons is a law of parliament": Therefore "is determined by act of parliament, that we are, and shall believe we are in *fact* represented in the house of commons." Here's more logic. Suppose some future house of commons should be of opinion, that they were the true and proper representatives of all the common people upon the globe, would that make them so, and oblige all mankind to believe and submit to it? Would a fiction of the common law of England satisfy the innumerable multitudes on the face of the whole earth, that they were in *fact* represented, and consenting to all such taxes and tributes as might be demanded of them? Will any man's calling himself my agent, representative or trustee, make him so in fact? At this rate a house of commons in one of the colonies have but to conceive an opinion that they represent all the common people of Great-Britain, and according to our author they would in *fact* represent them, and have a right to tax them. 'Tis strange the gentleman can see no difference between a literal sense of a fundamental principle or "dry maxim" as he calls it, and no sense at all. Does it follow, because it is "impracticable that each individual should be in *fact* represented," that therefore there should be no representation at all, or a very unequal one? Because the little insignificant isles of Jersey, Guernsey and Man, have never obtained a representation, is it reasonable that the whole kingdom of Ireland and the Plantations should be forever excluded from returning members to the British parliament, even should the parliament impose external and internal taxes on them, and take from them every subordinate power of local legislation? If this would be equal and rational, why might not Wales have been excluded from returning members, why may they not be excluded now, and Devonshire and Cornwall, and every other County and

borough share the same fate? Matter of fact is one thing, matter of right another. The people of a state may in *fact* be very unequally represented; but few men would like our author in effect contend that it were best they should not be represented at all. Has the gentleman forgot the maxim, "that equity is equality." 'Tis hoped he will not consider this as a levelling principle, as it has been more than once called. How astonishing is it, that the instances (page 12.) of the unequal representation in Great-Britain, to which he might have added, those of "ten Cornish barns, and an ale house" should be brought as an argument to prove that "the right of being represented in parliament" is "an utopian privilege" a "phantom" a "cloud in the shape of Juno"?—This is far from a fine compliment to the honorable house of commons, of which as one of the branches of the supreme legislative, and of the privilege of sitting with them, it would have been more decent to have made a different choice of expressions. To atone for this indelicacy, the next moment the pendulum vibrates as far the other way.

In page 13. The parliament is represented as so pure and perfect, that "*the beauty and symmetry of this body would be destroyed, and its purity defiled, by the unnatural mixture of representatives from every part of the British dominions.*" "Parthians, Medes, Elamites, and the dwellers of Mesopotamia, &c. *would not in such a case, speak the same language.*" "What a heterogenous council would this form?" "What a monster in government would it be?" Let me add, was ever insolence equal to this? Are the inhabitants of British America all a parcel of transported thieves, robbers and rebels, or descended from such? Are the colonists blasted lepers, whose company would infect the whole house of commons? There are some in the colonies who value themselves on their descent. We have the names of *Tudor* and of *Stuart*, of *Howard*, *Seymour* and of *Russell*; who boast an un sullied descent, from our ancient princes and nobles, or at least claim the honor of being of the same blood. Can none of these be returned

as members without breading a plague in the house. If this writer is an european, his insults upon the British colonies are quite unpardonable; if he be a native, he is an ungrateful parricide. Is he a venal hireling of a party, his employers on either side the atlantic should discard him as a meer Sir Martyn Marplot? Depend upon it, one such letter as his, if known to breath the sentiments of the great, would tend more to disgust the colonies against the conduct of their superiors, than a hundred thousand such pamphlets as the author scolds at. Parliaments are not only "as ancient as our Saxon ancestors" but as old as the common wealth's of Israel, Greece and Rome †; nay as old as the first compact for changing a simple democracy into any other form of government. "Attendance in parliament" is not therefore, as the gentleman conceives, a "duty arising from a tenure of lands or the feudal system" but from the nature of man, of society, and of all original, just, social and civil compacts for forming a state. "So that the privilege of sitting in it, i. e. in a parliament or grand council of a nation, is not "territorial" in the sense of the letter writer, nor in its nature confined to Great-Britain". What is there, what can there be, that should naturally and necessarily confine the privilege of returning members, to the inhabitants of Great-Britain, more than to those of London and Westminster?

The gentleman (p. 14.) says, "the parliament may levy internal taxes, as well as regulate trade, there is no essential difference." By regulating trade, I suppose he means, according to the common sophism, taxing trade. Even in this sense, 'tis admitted the parliament have the same right to levy internal taxes on the colonies, as to regulate trade; and that the right of levying both, is undoubtedly in the parliament. Yet 'tis humbly conceived and hoped, that before the authority is fully exerted in either case, it will be tho't to be but reasonable and equitable, that the dominions should be in *fact* represented. Else it will follow, that the provincials in Europe, Asia, Africa and America, ought to all generations to content themselves with having no more share, weight or influence, even in the provincial govern-
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† 4 Inst. 2. 3.

ment of their respective countries, than the Hotentots have in that of China, or the Ethiopians in that of Great-Britain:

I should be glad to know how the gentleman came by his assurance, that "a stamp-duty is confessedly the most reasonable and equitable that can be devised." (*ibid.*) Some few may be of this opinion, and there never was a new invented tax or excise, but its favorers and partizans would highly extol, as the most just and equitable device imaginable. This is a trite game "at ways and means". But bold assertions will not pass for clear proofs, with "philosophically inquisitive minds." "If the shaft is sped," and the aim so good, I wonder the gentleman should even faintly pretend to "desire not to see a stamp-duty established among us," or "wish to prevent the blow." Were I convinced, as he is, that it is reasonable and best that the colonies should be taxed by parliament, without being allowed a representation; and that it is become not only necessary to levy internal taxes on them; but that the art of man could not devise so equitable and reasonable a tax as a stamp duty; I should heartily pray for its establishment.

The gentleman no where discovers his temper more plainly than in his comparison of Greece and Rome, in their conduct towards their colonies. 'Tis well known the Grecians were kind, humane, just and generous towards theirs. 'Tis as notorious that the Romans were severe, cruel, brutal and barbarous towards theirs. I have ever pleased myself in thinking that Great-Britain, since the revolution, might be justly compared to Greece, in its care and protection of its colonies. I also imagined that the French and Spaniards followed the Roman example. But our letter-writer tells quite a different story. He compliments the nation, and comforts the colonies, by declaring that these "exactly resemble those of Rome." "*The Roman Coloniae*," says he, "did not enjoy all the rights of Roman citizens." "They only *used* the Roman laws and religion, and served in their legions; but had no right of suffrage, or bearing honours." "In these respects, adds he, our English colonies exactly resemble them." "We enjoy the English laws and religion, but not the right of suffrage or of bearing honours in Great-Britain."

Is this enjoying the rights, liberties and privileges of British-born subjects within the realm, to all intents, constructions and purposes? I find all this confirmed to the colonists, not only by the common law, and by their charters, but by act of parliament. Where does the gentleman find it decreed that the British "*Coloniæ*" "have no right of bearing honours in Great-Britain"? Has not the King's majesty the fountain of honour, an undoubted right by his prerogative, to confer any rank he may be graciously pleased to bestow on his American subjects, as well as on those in Great-Britain? Cannot the word of a King as easily make even a Halifaxian letter-writer, or his Rhode-Island friend, a knight of the garter or thistle, as if either of them had been dropped and drawn their first breath in one of the three kingdoms.

The gentleman may in his anger wish for the laws of "Draco to be enforced on America," and in his fierce anger, for the "iron rod of a Spanish inquisitor." These may be sudden gusts of passion, without malice prepence, that only hurt his cause, and which his employers will not thank him for. But hard, very hard must his heart be, who could employ all his stock of learning in a deliberate attempt to reduce the rights of the colonists to the narrow bound of a bare permission, to "use the English laws and religion without a suffrage in things sacred or civil, and without a right to bear honours in Great-Britain," "except that of being shot at for six pence a day, in her armies at home, as well as abroad." What is the English religion? Pray wherein does it differ from that of Scotland, Ireland and the Plantations? If it differs, and the colonies are obliged to use the religion of the metropolis on her embracing paganism, so must the colonies. Since the revolution, all dissenters, both at home and abroad, papists only excepted, have enjoyed a free and generous toleration. Would the gentleman deprive all protestant dissenters of this invaluable blessing? If he is an American by birth, what does he deserve of his country for attempting to realize to this and to all future generations, the dreary prospect of confinement to the use of the laws and religion of a region 3000 miles beyond sea, in framing which laws, and in forming the modes

modes of which religion, they shall have no voice nor suffrage ; nor shall they have any preferment in church or state, tho' they shall be taxed without their consent, to the support of both.

— *aes triplex*
Circa pectus erat. —

The gentleman hath been at great pains in order to represent the merchants of America, as a parcel of infamous smugglers. He says, " smuggling had well nigh become established in some of the colonies." 'Tis notoriously known who have been the great abettors and patrons of smugglers, and who have shared the greatest part of the profits. All the riot at Ephesus proceeded from certain collectors of the revenues of Diana of the Ephesians ; the shrine-makers and silver-smiths were but their tools. The craft was in danger, but if it had been only that of Demetrius and his journeymen, we might not have heard of that day's uproar. 'Tis a very unjust aspersion to charge the American merchants in general, with a design to elude and evade the acts of trade. I cannot so well tell how matters have been managed at Halifax or Rhode-Island ; but in some other colonies, only a few favorites have been indulged in the lucrative crime of smuggling, which, after an eminent writer, the gentleman calls a crime " against the law of nature" ; 'tis a wonder it had not been recorded from some old commentator, *crimen lesae Majestatis, high treason*. The like indulgence, as far as I can learn, has in Rhode-Island, been confined also to a few choice friends. The article of Melasses is every where to be excepted. It was known at home, that the importation of this was universally tolerated, paying about one tenth of the duties imposed by the old act. The connivance became very general.

I have perused Mr. H—k—s book over and over, but cannot find the least reflection on Dr. Spry, nor do I think any was intended. The Dr. perhaps may thank the gentleman for bringing his name into question ; but I doubt notwithstanding the gentleman's assertions to the contrary, whether the Dr's " appointments place him above any kind of influence." I believe he is under the influence of honor and conscience, a clear head, and a good heart, all which
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the gentleman seems too much a stranger to : And should the Dr. also be under that influence, which flows from a general aversion, and contempt of flattery and falsehood, he must conceive an opinion of his Halifax neighbour, that will be very mortifying to one who hopes to make his court to the great, and to the Dr. among the rest, by abusing the colonies.

The Dr. hath been in America some months, but I have not heard of one cause that has been tried before him. This is a tolerable proof either, that smuggling was not so common a thing as the letter-writer asserts, or that those who used to be concerned in it, are reformed. I think it proves both.

In the 21st, and last page but one of the letter, the gentleman betho't himself, and having in a manner finished his epistle, makes an apology for not following Mr. H--k--s "with somewhat more, of method". His excuse is that "Mr. H--k--s hath not divided his argument with precision". He then formally proceeds to a curious, and as he doubtless thought, precise division of the argument. "The dispute, says he, between Great-Britain and the colonies, consists of two parts. First, the jurisdiction of parliament : And secondly, the exercise of that jurisdiction : His Honor has blended these together, and no where marked the division between them. The first I have principally remarked upon". I know of no dispute between Great-Britain and her colonies. Who is so hardy as to dispute the jurisdiction of the Parliament ? But were there a thousand disputes between Great-Britain and the colonies ; if the colonists in general were as the letter-writer represents them, "a simple, credulous, and hitherto loyal people", in danger of "having their minds embittered, and their affections alienated from Great-Britain, by a few pamphlets" : And if "from the pride of some, and ignorance of others, the cry against mother country had spread from colony to colony, and it were to be feared that prejudices and resentments were kindled among them, which it would be difficult ever thoroughly to sooth or extinguish", all which insinuations are however very injurious ; what would this prove against "The Rights of Colonies examined", or any other of the pamphlets that have been lately published in America ? Mr. H--k--s,

pages 10 & 11 of his book, speaking of the general concerns of the whole British empire, saith, " These, it is absolutely necessary should have a general power to direct them ; some supreme and over-ruling authority, with power to make laws, and form regulations for the good of all, and to compel their execution and observation. It being necessary some such general power should exist somewhere, every man of the least knowlege of the British constitution, will be naturally led to look for, and find it in the parliament of Great-Britain ; that grand and august legislative body, must from the nature of their authority, and the necessity of the thing, be justly vested with this power". Is not this a very clear admission and acknowledgment of the jurisdiction, power, and authority of parliament over the colonies ? What could put it into the gentleman's head to think the jurisdiction of the parliament, was a matter in dispute ? I have perused a pamphlet published in Connecticut relating to their rights, but can find no question made of the jurisdiction of the parliament. " The Rights of the British Colonies asserted and proved" I have also read. This was published before either Mr. H--k--s, or that from Connecticut. These, so far as I can find, are all the pamphlets that have been published in America, upon the proposed new regulations of the colonies. From the knowlege I have of the sentiments of the " head of the *tribunitian veto*", as the gentleman is pleased to describe him, I take upon me to declare, that I have heard him in the most public manner declare his submission to the authority of parliament ; and that from his soul he detests and abhors the thought of making a question of their jurisdiction.

The following passages from " The Rights of the British Colonies asserted and proved", may serve to shew how careful a hand the Halifax gentleman is at a matter of fact.

" I also lay it down as one of the first principles from whence I intend to deduce the civil rights of the British colonies, that all of them are subject to, and dependent on Great-Britain ; and that therefore as over subordinate governments, the parliament of Great-Britain has an undoubted

doubted power and lawful authority to make acts for the general good, that by naming them, shall and ought to be equally binding, as upon the subjects of Great-Britain within the realm. " When the parliament shall think fit to allow the colonists a representation in the house of commons, the equity of their taxing the colonies, will be as clear as their power is at present of doing it without, if they please." " No such claim (i. e. of an independent legislative) was ever tho't of by the colonists. They are all better men and better subjects; and many of them too well versed in the laws of nature and nations, and the law and constitution of Great-Britain, to think they have a right to more than a *provincial subordinate legislative*. All power is of GOD. Next and only subordinate to him, in the present state of the well-formed, beautiful constructed British monarchy, standing where I hope it ever will stand, for the pillars are fixed in judgment, righteousness and truth, is the King and Parliament." " From all which, it seems plain, that the reason why Ireland and the plantations are not bound, unless named by an act of parliament, is, because they are *not represented* in the British parliament. Yet, in special cases, the British parliament has an undoubted right, as well as power, to bind both by their acts. But whether this can be extended to an indefinite taxation of both, is the great question. I conceive the spirit of the British constitution must make an exception of all taxes, until it is tho't fit to unite a dominion to the realm. Such taxation must be considered either as uniting the dominions to the realm, or disfranchising them. If they are united, they will be intitled to a representation, as well as Wales: If they are so taxed without a union, or representation, they are so far disfranchised". " The sum of my argument is, That civil government is of God: That the administrators of it were originally the whole people: That they might have devolved it on whom they pleased: That this devolution is fiduciary, for the good of the whole; That by the British constitution, this devolution is on the King, Lords and Commons, the supreme, sacred and uncontrollable legislative power, not only in the realm, but thro' the dominions: That by the

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abdication,

application, the original compact was broken to pieces : That by the revolution, it was renewed, and more firmly established, and the rights and liberties of the subject in all parts of the dominions, more fully explained and confirmed : That in consequence of this establishment, and the acts of succession and union, his Majesty GEORGE III. is rightful king and sovereign, and with his parliament, the supreme legislative of Great-Britain ; France and Ireland, and the dominions thereto belonging : That this constitution is the most free one, and by far the best, now existing on earth : That by this constitution, every man in the dominions is a free man : That no part of his Majesty's dominions can be taxed without their consent : That every part has a right to be represented in the supreme or some subordinate legislature : That the refusal of this, would seem to be a contradiction in practice to the theory of the constitution : That the colonies are subordinate dominions, and are now in such a state, as to make it best for the good of the whole, that they should not only be continued in the enjoyment of subordinate legislation, but be also represented in some proportion to their number and estates, in the grand legislature of the nation : That this would firmly unite all parts of the British empire, in the greatest peace and prosperity ; and render it invulnerable and perpetual". *Rights of the British Colonies, asserted and proved, pages 32, 48, 59, 61, 64.* Can the gentleman read these passages, and say they imply any question of the power and authority of parliament ? Will he not blush, when he reflects, that he hath indiscriminately asserted that these pamphlets " have a tendency to embitter the minds of a simple, credulous and hitherto loyal people, and to alienate their affections from Great-Britain, their best friend and *alma mater*" ? Can terms expressive of greater loyalty or submission to the jurisdiction and authority of parliament be conceived, than many that are to be found in those pamphlets ? Yet the gentleman has the effrontery to talk of the " frequent abuse poured forth in pamphlets against the mother country", and laments that before his " not one filial pen in America had been drawn in her vindication". How grand we look ! Are not his dragoons enough,

enough, but he must fight with his pen too? I believe he must be a man of parlor courage; and yet he is modest wishal. He says he has "no ambition of appearing in print", tho' he is the only loyal subject his Majesty hath in his American dominions, and master of the only filial pen, worth a button. If this be true, well might he call his countrymen a parcel of scoundrels, rebels, smugglers and traitors. I shall take leave of my gentleman, by desiring him to reflect, in his cooler hours, and well consider what would soon be his fate, if the Americans should treat him as he most richly deserves.

*I too have seen in all the pride of May,
A flaunting sing song genius toujours gay;
Whose life was one short senseless pretty dream,
Frisk on the margin of a mighty stream,
Till circling dances seize his tender brain:
He falls! he dies! alas a calf is slain! †*

† "Narcissus, in contemplating his own image, was turned into a daffodil. Who can think of this, and feel no pity for the pride and weakness of man, that is born of a woman".

"So have I seen, on some bright summer's day,

"A calf of genius debonnaire and gay,

"Dance on the brink, as if inspired by fame,

"Food of the pretty fellow in the stream".

Four Lines of Dr. Young, very modestly applied to Governor H. K. in the 5th page of the Letter from Halifax, as above cited, with the Allusion to Narcissus.

Postscript.

Postscript.

SINCE the above sheets were finished, two or three pieces have been published in the Providence Gazette. The first of these hath furnished us with a clear and concise account of the several principal reasonings and arguments upon the subject of internal taxes to be imposed on the colonies by parliament, while they are unrepresented in the house of commons. The sum is,

1. That it is the incontestible right of the subject in Great Britain, not to be taxed out of parliament; and every subject within the realm is in fact or in law represented there.

2. The British colonists being British subjects, are to all intents and purposes intitled to the rights, liberties and privileges of the subject within the realm, and ought to be represented in fact as well as in law, in the supreme or some subordinate legislature, where they are taxed; else they will be deprived of one of the most essential rights of a British subject, namely that of being free from all taxes, but such as he shall by himself or representative, grant and assents.

3. As the colonies have been erected into subordinate dependent dominions, with subordinate powers of legislation; particularly that of levying taxes for the support of their respective subordinate governments, and at their own expence, have not only supported the civil provincial administration, but many of them have, to their utmost ability, contributed both in men and money for the common cause, as well as for their more immediate defence against his Majesty's enemies, it should seem very hard that they should be taxed also by parliament, and that before they are allowed a representation in fact, and while they are quite unable to pay such additional taxes.

4. The immense commercial advantages resulting to Great Britain from her plantations, the revenues thence arising to the crown, the taxes we pay by the consumption of an infinity of British manufactures, may be tho't a reasonable return for the protection received, as 'tis really all that at present is in our power to yield.

5. If the colonies could and ought to yield greater aids towards the national expence, yet it should seem but reasonable either to allow them 1. To raise such further sums as may be required, by taxing themselves in the most easy way and manner their several provincial legislatures could devise. Or, 2. at least to allow them a representation in the house of commons. This with some animadversions on the present state of commerce, with the extension and enlargement of the admiralty jurisdiction in America, is the substance of all that has so much incensed the Halifax gentleman. Governor H—k—s hath no where said that "the colonies have rights independent of, and not controulable by, the authority of parliament."

See Providence-Gazette, Feb. 16.

According

According to the gentleman, " it will follow that we may enjoy personal liberty, and yet be slaves in a political sense ; and so vice versa, we may be personally slaves, and yet have a political right to liberty. Life, liberty and estate being personal rights, are (by the gentleman admitted to be) secured to us by the common law. I do not remember to have heard that the colonies ever contended for more ; and yet (by this personal and political distinction) our estates may be taken away from us against our consent, without any violation of our personal right ; and all this for want of a political right."

Providence Gazette, February 16, 1765.

" The gentleman confidently maintains that acts of parliament derive their force from the common law ; and for that reason he says, they are obligatory on the colonies. I ask him, how it is possible that the parliamentary power which controuls, alters and amends the common law at will, can derive its support from the common law ? "

Providence Gazette, 23d February.

☞ The power and authority of parliament is from the constitution, and above all other laws, but those of God and nature.

" There may be a natural relation between two subjects that exist by nature ; but mother country and colony exist only by policy, and may, and no doubt have a political relation to each other ; but can have no natural one "

Providence Gazette, March 2.

This remark is ingenious, and the manner in which 'tis elucidated is diverting ; but I fear 'tis not solid. There is nonsense & contradiction eno^d of all conscience in the Halifax gentleman's attempt to investigate the " natural relation between colonies and their mother state," without denying the existence of such a relation. Our allegiance is natural, and if this be admitted of each individual in a colony, as it must be, it would be strange to deny a natural relation between two whole bodies, between all the respective parts of which a natural relation is admitted. Society is certainly natural, and exists prior to, and independent of any form of civil policy, always excepting family societies and simple democracies. As there is a natural relation between father and son so is there between their two families ; and so is there between a mother-state or metropolis, and its colonies. The natural relation between two independent states or societies, is the basis of the law of nations ; and all its obligations are thence deducible. It would be strange that a natural relation should subsist between two neighbouring states, and none be between a metropolis and a colony. I can see no absurdity in supposing both natural and political relations to subsist between a mother state and its colonies, any more than supposing two qualities in one and the same subject. The same man may be choleric & humane, another is calm & inveterate. The same two men may be father and son, fellow men, fellow-subjects, fellow-citizens, and brother-aldermen. Political relations are but modifications of those which are founded in nature, and from whence rise duties of universal obligation.

I cannot suppress all my indignation at a remark in the close of the Halifax letter, which should have been taken notice of before, but it escaped me. " It may become necessary for the supreme legislature, of the nation

tion to frame some code, (and canons might have been as properly added) and therein adjust the rights of the colonies, with precision and certainty, otherwise Great Britain will always be teazed with new claims about liberty and privileges." Page 22.

If I mistake not, there is in the air of this period, the quintessence of a meer martial legislator; the insolence of a haughty and imperious minister; the indolence and half thought of a *petit maitre*; the flutter of a coxcomb; the pedantry of a quack, and the nonsense of a pettifogger. A strange gallimaufry this: but I am not answerable for it, or for any other of the exhibitions of a monster monger. We want no foreign codes, nor canons here. The common law is our birth right; and the rights and privileges confirmed and secured to us by the British constitution, and by act of parliament, are our best inheritance. Codes, pandects, novells, decretals of Popes, and the inventions of the D—r, may suit the cold bleak regions Brandenburg and Prussia, or the scorching heats of Jamaica or Gambia; but we live in a more temperate climate, and shall rest content with the laws, customs and usages of our ancestors, bravely supported and defended with the monarchy, and from age to age handed down. These have, and ever will finally triumph over the whims of political and religious Enthusiasts; the extremes of which are libertinism and despotism, anarchy and tyranny, spiritual and temporal, from all which may God ever preserve us. I must recommend it to the Halifax gentleman, before he publishes any more epistles, diligently to read over Swift's Tale of a Tub, and to take special note of Lord Peter's method of reasoning with his brethren. He will there find all the forms of syllogism, from the *sortes* to the categorical. Of the last form, he will find this, to prove that a little learning puffeth little men up.

"Words are but wind,

Learning is nothing but words,

Ergo. Learning is nothing but wind."

Of the former kind of argumentation, he will find a species he seems to be peculiarly fond of.

"In the midst of all this clutter and revolution, in comes Lord Peter, with a file of dragoons at his heels, and gathering from all hands what was in the wind, he and his gang, after several millions of scurrilities and curses, not very important here to repeat, by main force, very fairly kicks them (Martyn and Jack) both out of doors, and would never let them come under his roof, from that day to this".

Tale of a Tub. 79. 104.

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CORRECTIONS.

PAGE 7. in some of the Copies, dele the Words *for diffusion*.
Page 13. for *Hamstead*, read *Banstead*.

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